

Senate File 2419

S-5317

1 Amend Senate File 2419 as follows:

2 1. Page 1, after line 30 by inserting:

3 <Sec. _____. 2017 Iowa Acts, chapter 170, section 15, is
4 amended to read as follows:

5 SEC. 15. CASH RESERVE FUND APPROPRIATION — FY 2018-2019.

6 There is appropriated from the general fund of the state to the
7 cash reserve fund for the fiscal year beginning July 1, 2018,
8 and ending June 30, 2019, the following amount:

9 \$~~111,100,000~~
10 113,100,000>

11 2. Page 2, after line 6 by inserting:

12 <Sec. _____. TAXPAYERS TRUST FUND. On July 1, 2018, any
13 unencumbered and unobligated moneys in the taxpayers trust fund
14 created in section 8.57E are transferred to the general fund
15 of the state.>

16 3. Page 13, after line 22 by inserting:

17 <DIVISION ____
18 LAND ACQUISITION AND INVENTORY

19 Sec. _____. LAND ACQUISITION AND INVENTORY.

20 1. By December 1, 2018, the department of natural resources
21 shall submit a report to the general assembly including all
22 financial assistance provided to private entities for the
23 acquisition of land and an inventory of all land managed or
24 owned on behalf of the state by the department.

25 2. The portion of the report regarding financial assistance
26 to private entities for land acquisition shall include the
27 name of the private entities, a description of the assistance
28 provided, the price of the tract, the date the assistance
29 was provided, the date of full loan repayment or cessation
30 of the linked deposit account, and the total amount of
31 outstanding loans and linked deposits associated with such land
32 acquisitions. This portion of the report shall also include
33 information regarding the land purchase including the location
34 and description of the land, a description of the conservation
35 benefits of the purchase, the name of the seller, the price

1 paid, and the size of the tract. If the land was later
2 acquired by a governmental entity, the report shall include the
3 name of the governmental entity, the date of the subsequent
4 acquisition, the price paid, and the source of the funds.

5 3. The portion of the report regarding the land inventory
6 shall include a list of all properties owned by the state whose
7 purchase or donation was facilitated by the department and a
8 list of properties which are managed by the department, but
9 not owned by the state. For each owned tract of land, the
10 inventory shall include the location of the tract, the date
11 of acquisition or first management agreement, the name of the
12 seller or donor of the tract, the price paid for state-owned
13 land and the source of the funds; the owner of the tract if not
14 owned by the state, the size of the tract, the present use of
15 the tract including whether the property is open to the public,
16 and the identification of the government entity charged with
17 managing the tract. The inventory shall also identify the
18 location and size of all tracts which were conveyed to cities
19 or counties within the past twenty years after termination of
20 state ownership.

21 4. For the fiscal year beginning July 1, 2018, the
22 environmental protection commission shall not authorize a
23 contract or approve costs related to the purchase of land
24 which obligates moneys from the water pollution control works
25 revolving loan fund for financial assistance to acquire new
26 land under the general nonpoint source program set-aside.

27 DIVISION ____

28 IOWA GEOLOGICAL SURVEY

29 Sec. ____ . 2018 Iowa Acts, House File 2491, section 21, if
30 enacted, is amended to read as follows:

31 SEC. 53A. STATE UNIVERSITY OF IOWA ~~GEOGRAPHICAL AND WATER~~
32 GEOLOGICAL SURVEY. There is appropriated from the environment
33 first fund created in [section 8.57A](#) to the state university of
34 Iowa for the fiscal year beginning July 1, 2018, and ending
35 June 30, 2019, the following amounts, or so much thereof as is

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1 necessary, to be used for the purposes designated:

2 1. OPERATIONS

3 For purposes of supporting the operations of the Iowa
4 geological and water survey of the state as created within the
5 state university of Iowa pursuant to section 456.1 as amended
6 by 2018 Iowa Acts, House File 2303, section 12, including
7 but not limited to providing analysis; data maintenance,
8 collection, and compilation; investigative programs; and
9 information for water supply development and protection:

10 \$ 200,000

11 2. WATER RESOURCE MANAGEMENT

12 For purposes of supporting the geological and water survey
13 in measuring, assessing, and evaluating the quantity of water
14 sources in this state and assisting the department of natural
15 resources in regulating water quantity as provided in chapter
16 455B, division III, part 4, pursuant to sections 455B.262B and
17 456.14, as enacted by this Act:

18 \$ 495,000

19 DIVISION ____

20 PODIATRY

21 Sec. ____ . Section 147.139, subsections 3 and 4, Code 2018,
22 are amended to read as follows:

23 3. If the defendant is board-certified in a specialty, the
24 person is certified in the same or a substantially similar
25 specialty by a board recognized by the American board of
26 medical specialties, or the American osteopathic association,
27 or the council on podiatric medical education.

28 4. a. If the defendant is a licensed physician or
29 osteopathic physician under chapter 148, the person is a
30 physician or osteopathic physician licensed in this state or
31 another state.

32 b. If the defendant is a licensed podiatric physician under
33 chapter 149, the person is a physician, osteopathic physician,
34 or a podiatric physician licensed in this state or another
35 state.

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DIVISION ____
CATTLE GUARDS

Sec. ____ . Section 314.30, subsection 1, paragraph c, as enacted by 2018 Iowa Acts, Senate File 449, section 1, is amended to read as follows:

c. The landowner owns ~~the~~ property on both sides of the street or highway and owns property on both sides of any access to the street or highway.

Sec. ____ . 2018 Iowa Acts, Senate File 449, is amended by adding the following new section:

NEW SECTION. SEC. 4. INSTALLATION OF CATTLE GUARD — SUBSEQUENT COUNTY ACTION. Any cattle guard installed pursuant to this Act on or before April 25, 2018, that meets the requirements of this Act at the time of installation shall not be ordered uninstalled or found to be noncompliant with this Act as a result of any action taken after April 25, 2018, by the county with jurisdiction over the street or highway on which the cattle guard is installed to alter the area service classification of the street or highway or to otherwise alter the street or highway in such a way that the installation of the cattle guard no longer complies with this Act.

Sec. ____ . EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. ____ . RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to April 17, 2018.

DIVISION ____
DRAMSHOP

Sec. ____ . Section 123.92, subsection 1, paragraph a, Code 2018, as amended by 2018 Iowa Acts, Senate File 2169, section 1, is amended to read as follows:

a. Any Subject to the limitation amount specified in paragraph "c", if applicable, any third party who is not the intoxicated person who caused the injury at issue and who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a

1 person, has a right of action for damages actually sustained,
2 severally or jointly, ~~up to the amount specified in paragraph~~
3 ~~"e"~~, against any licensee or permittee, whether or not the
4 license or permit was issued by the division or by the
5 licensing authority of any other state, who sold and served any
6 beer, wine, or intoxicating liquor directly to the intoxicated
7 person, provided that the person was visibly intoxicated at the
8 time of the sale or service.

9 Sec. _____. NEW SECTION. 505.33 **Dramshop liability insurance**
10 **evaluation.**

11 The division shall biennially conduct an evaluation
12 concerning minimum coverage requirements of dramshop liability
13 insurance. In conducting the evaluation, the division
14 shall include a comparison of other states' minimum dramshop
15 liability insurance coverage and any other relevant issues
16 the division identifies. By January 31, 2019, and every two
17 years thereafter, the division shall submit a report, including
18 any findings and recommendations, to the general assembly as
19 provided in chapter 7A.

20 Sec. _____. REPEAL. 2018 Iowa Acts, Senate File 2169, section
21 2, is repealed.

22 DIVISION ____

23 ALCOHOL

24 Sec. _____. Section 123.30, subsection 3, paragraphs a and
25 b, Code 2018, as amended by 2018 Iowa Acts, Senate File 2310,
26 section 12, are amended to read as follows:

27 *a. Class "A".* A class "A" liquor control license may be
28 issued to a club and shall authorize the holder to purchase
29 alcoholic liquors in original unopened containers from class
30 "E" liquor control licensees only, wine from class "A" wine
31 permittees or class "B" wine permittees who also hold class "E"
32 liquor control licenses only as provided in [section 123.173](#)
33 and [section 123.177](#), and to sell alcoholic beverages to bona
34 fide members and their guests by the individual drink for
35 consumption on the premises only.

1 *b. Class "B".* A class "B" liquor control license may be
2 issued to a hotel or motel and shall authorize the holder to
3 purchase alcoholic liquors in original unopened containers from
4 class "E" liquor control licensees only, wine from class "A"
5 wine permittees or class "B" wine permittees who also hold
6 class "E" liquor control licenses only as provided in section
7 123.173 and [section 123.177](#), and to sell alcoholic beverages to
8 patrons by the individual drink for consumption on the premises
9 only. However, beer may also be sold for consumption off the
10 premises. Each license shall be effective throughout the
11 premises described in the application.

12 Sec. _____. Section 123.30, subsection 3, paragraph c,
13 subparagraph (1), Code 2018, as amended by 2018 Iowa Acts,
14 Senate File 2310, section 12, is amended to read as follows:

15 (1) A class "C" liquor control license may be issued to
16 a commercial establishment but must be issued in the name of
17 the individuals who actually own the entire business and shall
18 authorize the holder to purchase alcoholic liquors in original
19 unopened containers from class "E" liquor control licensees
20 only, wine from class "A" wine permittees or class "B" wine
21 permittees who also hold class "E" liquor control licenses only
22 as provided in [section 123.173](#) and [section 123.177](#), and to sell
23 alcoholic beverages to patrons by the individual drink for
24 consumption on the premises only. However, beer may also be
25 sold for consumption off the premises. The holder of a class
26 "C" liquor control license may also hold a special class "A"
27 beer permit for the premises licensed under a class "C" liquor
28 control license for the purpose of operating a brewpub pursuant
29 to [this chapter](#).

30 Sec. _____. Section 123.30, subsection 3, paragraph c,
31 subparagraph (3), Code 2018, is amended to read as follows:

32 (3) A class "C" native distilled spirits liquor control
33 license may be issued to a native distillery but shall be
34 issued in the name of the individuals who actually own the
35 business and shall only be issued to a native distillery

1 which, combining all production facilities of the business,
2 produces and manufactures not more than one hundred thousand
3 proof gallons of distilled spirits on an annual basis. The
4 license shall authorize the holder to sell native distilled
5 spirits manufactured on the premises of the native distillery
6 to patrons by the individual drink for consumption on the
7 premises. All native distilled spirits sold by a native
8 distillery for on-premises consumption shall be purchased
9 from a class "E" liquor control licensee in original unopened
10 containers.

11 Sec. _____. Section 123.30, subsection 3, paragraph d,
12 subparagraph (2), Code 2018, as amended by 2018 Iowa Acts,
13 Senate File 2310, section 12, is amended to read as follows:

14 (2) A class "D" liquor control licensee who operates a
15 train or a watercraft intrastate only, or an excursion gambling
16 boat licensed under [chapter 99F](#), shall purchase alcoholic
17 liquor in original unopened containers from a class "E" liquor
18 control licensee only, wine from a class "A" wine permittee or
19 a class "B" wine permittee who also holds a class "E" liquor
20 control license only as provided in [section 123.173](#) and section
21 123.177, and beer from a class "A" beer permittee only.

22 Sec. _____. Section 123.30, subsection 3, paragraph e, Code
23 2018, as amended by 2018 Iowa Acts, Senate File 2310, section
24 12, is amended to read as follows:

25 *e. Class "E".*

26 (1) A class "E" liquor control license may be issued and
27 shall authorize the holder to purchase alcoholic liquor in
28 original unopened containers from the division only and high
29 alcoholic content beer from a class "A" beer permittee only and
30 to sell the alcoholic liquor in original unopened containers
31 and high alcoholic content beer at retail to patrons for
32 consumption off the licensed premises and at wholesale to other
33 liquor control licensees, provided the holder has filed with
34 the division a basic permit issued by the alcohol and tobacco
35 tax and trade bureau of the United States department of the

1 treasury. A holder of a class "E" liquor control license
2 may hold other retail liquor control licenses or retail wine
3 or beer permits, but the premises licensed under a class "E"
4 liquor control license shall be separate from other licensed
5 premises, though the separate premises may have a common
6 entrance. However, the holder of a class "E" liquor control
7 license may also hold a class "B" wine or class "C" beer permit
8 or both for the premises licensed under a class "E" liquor
9 control license.

10 (2) The division may issue a class "E" liquor control
11 license for premises covered by a liquor control license or
12 wine or beer permit for on-premises consumption, if under any
13 of the following circumstances:

14 (a) If the premises are in a county having a population
15 under nine thousand five hundred in which no other class "E"
16 liquor control license has been issued by the division, and no
17 other application for a class "E" liquor control license has
18 been made within the previous twelve consecutive months.

19 (b) If, notwithstanding any provision of this chapter to the
20 contrary, the premises covered by a liquor control license is a
21 grocery store that is at least five thousand square feet.

22 Sec. _____. Section 123.30, subsection 4, Code 2018, is
23 amended to read as follows:

24 4. Notwithstanding any provision of **this chapter** to the
25 contrary, a person holding a liquor control license to sell
26 alcoholic beverages for consumption on the licensed premises
27 may permit a customer to remove one unsealed bottle of wine
28 for consumption off the premises if the customer has purchased
29 and consumed a portion of the bottle of wine on the licensed
30 premises. The licensee or the licensee's agent shall securely
31 reseal such bottle in a bag designed so that it is visibly
32 apparent that the resealed bottle of wine has not been tampered
33 with and provide a dated receipt for the resealed bottle of
34 wine to the customer. A wine bottle resealed pursuant to the
35 requirements of **this subsection** is subject to the requirements

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1 of sections 321.284 and 321.284A. A person holding a liquor
2 control license to sell alcoholic beverages for consumption on
3 the licensed premises may permit a customer to carry an open
4 container of wine from their licensed premises into another
5 immediately adjacent licensed premises, temporary closed public
6 right-of-way, or private property.

7 Sec. _____. Section 123.30, Code 2018, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 5. Notwithstanding any provision of this
10 chapter to the contrary, a person holding a liquor control
11 license to sell alcoholic beverages for consumption on the
12 licensed premises may permit a customer to carry an open
13 container of alcoholic liquor from their licensed premises
14 to another immediately adjacent licensed premises, temporary
15 closed public right-of-way, or private property.

16 Sec. _____. Section 123.131, subsection 2, unnumbered
17 paragraph 1, Code 2018, is amended to read as follows:

18 Subject to the rules of the division, sales of beer for
19 consumption off the premises made pursuant to this section
20 may be made in a container other than the original container
21 only if the container is carried into an immediately adjacent
22 licensed or permitted premises, temporary closed public
23 right-of-way, or private property, or if all of the following
24 requirements are met:

25 DIVISION _____

26 SEXUALLY VIOLENT PREDATORS

27 Sec. _____. Section 229A.8, subsection 5, paragraph e,
28 subparagraph (2), Code 2018, is amended to read as follows:

29 (2) (a) If the committed person shows by a preponderance
30 of the evidence that a final hearing should be held on either
31 determination under subparagraph (1), subparagraph division (a)
32 or (b), or both, the court shall set a final hearing within
33 sixty days of the determination that a final hearing be held.

34 (b) The committed person may waive the sixty-day final
35 hearing requirement under subparagraph subdivision (a);

1 however, the committed person or the attorney for the committed
2 person may reassert a demand that the final hearing be held
3 within sixty days from the date of filing the demand with the
4 clerk of court.

5 (c) The final hearing may be continued upon request of
6 either party and a showing of good cause, or by the court
7 on its own motion in the due administration of justice, and
8 if the committed person is not substantially prejudiced. In
9 determining what constitutes good cause, the court shall
10 consider the length of the pretrial detention of the committed
11 person.

12 Sec. _____. Section 229A.15, Code 2018, is amended to read as
13 follows:

14 **229A.15 Court records — sealed and opened by court order.**

15 1. Any Except as otherwise provided in this section, any
16 psychological reports, drug and alcohol reports, treatment
17 records, reports of any diagnostic center, medical records, or
18 victim impact statements which have been submitted to the court
19 or admitted into evidence under [this chapter](#) shall be part of
20 the record but shall be sealed and opened only on order of the
21 court.

22 2. The documents described in subsection 1 shall be
23 available to the prosecuting attorney or attorney general, the
24 committed person, and the attorney for the committed person
25 without an order of the court.

26 DIVISION ____

27 EARNED TIME

28 Sec. _____. Section 903A.2, subsection 1, paragraph a,
29 subparagraph (2), Code 2018, is amended to read as follows:

30 (2) However, an inmate required to participate in a sex
31 offender treatment program shall not be eligible for a any
32 reduction of sentence unless until the inmate participates in
33 and completes a sex offender treatment program established by
34 the director.

35 Sec. _____. Section 903A.2, subsection 1, paragraph b,

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1 subparagraph (2), Code 2018, is amended to read as follows:

2 (2) An inmate required to participate in a domestic abuse
3 treatment program shall not be eligible for a any reduction of
4 sentence ~~unless~~ until the inmate participates in and completes
5 a domestic abuse treatment program established by the director.

6 Sec. _____. Section 903A.3, subsection 1, Code 2018, is
7 amended to read as follows:

8 1. Upon finding that an inmate has violated an institutional
9 rule, has failed to complete a sex offender or domestic abuse
10 treatment program as specified in section 903A.2, or has
11 had an action or appeal dismissed under section 610A.2, the
12 independent administrative law judge may order forfeiture of
13 any or all earned time accrued and not forfeited up to the
14 date of the violation by the inmate and may order forfeiture
15 of any or all earned time accrued and not forfeited up to
16 the date the action or appeal is dismissed, unless the court
17 entered such an order under section 610A.3. The independent
18 administrative law judge has discretion within the guidelines
19 established pursuant to section 903A.4, to determine the amount
20 of time that should be forfeited based upon the severity of the
21 violation. Prior violations by the inmate may be considered by
22 the administrative law judge in the decision.

23 DIVISION _____

24 MULTIPLE EMPLOYER WELFARE ARRANGEMENTS

25 Sec. _____. Section 507A.4, subsection 9, paragraph c,
26 unnumbered paragraph 1, Code 2018, is amended to read as
27 follows:

28 A multiple employer welfare arrangement that is recognized
29 as tax-exempt under Internal Revenue Code section 501(c)(9)
30 that meets all of the conditions of paragraph "a" shall not be
31 considered any of the following:

32 Sec. _____. Section 513D.1, as enacted by 2018 Iowa Acts,
33 Senate File 2349, section 5, is amended to read as follows:

34 **513D.1 Association health plans.**

35 The commissioner shall adopt rules that allow for the

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1 creation of association health plans that are consistent with
2 the United States department of labor's regulations in 29
3 C.F.R. pt. 2510. A multiple employer welfare arrangement that
4 is recognized as tax-exempt under Internal Revenue Code section
5 501(c)(9) and that is registered with the commissioner prior
6 to January 1, 2018, shall not be considered an association
7 health plan unless the multiple employer welfare arrangement
8 affirmatively elects to be treated as an association health
9 plan.

10 Sec. _____. REPEAL. 2018 Iowa Acts, Senate File 2349, section
11 7, is repealed.

12 DIVISION ____

13 SELF-PROMOTION — PUBLIC FUNDS

14 Sec. _____. NEW SECTION. 68A.405A Self-promotion with
15 taxpayer funds prohibited.

16 1. a. Except as provided in sections 29C.3 and 29C.6, a
17 statewide elected official or member of the general assembly
18 shall not permit the expenditure of public moneys under the
19 control of the statewide elected official or member of the
20 general assembly, including but not limited to moneys held in a
21 private trust fund as defined by section 8.2, for the purpose
22 of any paid advertisement or promotion bearing the written
23 name, likeness, or voice of the statewide elected official or
24 member of the general assembly distributed through any of the
25 following means:

26 (1) A paid direct mass mailing.

27 (2) A paid radio advertisement or promotion.

28 (3) A paid newspaper advertisement or promotion.

29 (4) A paid television advertisement or promotion.

30 (5) A paid internet advertisement or promotion.

31 (6) A paid exhibit display at the Iowa state fair or a
32 fairground or grounds as defined in section 174.1.

33 b. Except as otherwise provided by law, paragraph "a"
34 shall not apply to bona fide ministerial or ceremonial records
35 or ordinary, common, and frequent constituent correspondence

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1 containing the name of the statewide elected official or member
2 of the general assembly.

3 2. A person who willfully violates this section shall be
4 subject to a civil penalty of an amount up to the amount of
5 moneys withdrawn from a public account or private trust fund
6 as defined in section 8.2 used to fund the communication found
7 to be in violation of this section by the board or, for members
8 of the general assembly, by an appropriate legislative ethics
9 committee. A penalty imposed pursuant to this section shall
10 be paid by the candidate's committee. Such penalty shall be
11 determined and assessed by the board or, for a member of the
12 general assembly, the appropriate legislative ethics committee,
13 and paid into the account from which such moneys were
14 withdrawn. Additional criminal or civil penalties available
15 under section 68A.701 or established by the board pursuant to
16 section 68B.32A may also be determined and assessed by the
17 board for violations of this section. Nothing in this section
18 shall prevent the imposition of any penalty or sanction for a
19 violation of this section by a legislative ethics committee.

20 DIVISION ____

21 LEASE-PURCHASE CONTRACTS

22 Sec. _____. 2018 Iowa Acts, House File 2253, section 13, is
23 amended to read as follows:

24 SEC. 13. APPLICABILITY. This Act applies to lease-purchase
25 contracts entered into on or after the effective date of this
26 Act. This Act does not apply to any lease-purchase contract
27 that results from a request for proposals or request for
28 qualifications issued by a city with a population of less
29 than 21,000 according to the 2016 special census prior to the
30 effective date of this Act.

31 Sec. _____. RETROACTIVE APPLICABILITY. The following applies
32 retroactively to April 4, 2018:

33 The section of this division of this Act amending 2018 Iowa
34 Acts, House File 2253, section 13.

35 DIVISION ____

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1 CONSTRUCTION VEHICLES

2 Sec. _____. Section 321.463, subsection 9, Code 2018, is
3 amended to read as follows:

4 9. A vehicle or combination of vehicles transporting
5 materials or equipment on nonprimary highways to or from a
6 construction project or commercial plant site may operate
7 under the maximum gross weight table for primary highways in
8 subsection 6, paragraph "a", ~~if the route is approved by the~~
9 ~~appropriate local authority. Route approval is not required if~~
10 ~~the vehicle or combination of vehicles transporting materials~~
11 ~~or equipment to or from a construction project or commercial~~
12 ~~plant site complies with~~ or the maximum gross weight table for
13 noninterstate highways in subsection 6, paragraph "c". When
14 crossing a bridge, such a vehicle or combination of vehicles
15 shall comply with any weight restriction imposed for the
16 bridge pursuant to section 321.471 or 321.474, provided signs
17 that conform to the manual of uniform traffic-control devices
18 adopted by the department that give notice of the restriction
19 are posted as required under section 321.472 or 321.474, as
20 applicable.

21 DIVISION ____

22 LOCAL ORDINANCES

23 Sec. _____. Section 331.301, subsection 6, paragraph c,
24 subparagraph (1), unnumbered paragraph 1, Code 2018, is amended
25 to read as follows:

26 A county shall not adopt an ordinance, motion, resolution,
27 or amendment that sets standards or requirements regarding the
28 sale or marketing of consumer merchandise that are different
29 from, or in addition to, any ~~requirement established by state~~
30 law. For purposes of this paragraph:

31 Sec. _____. Section 364.3, subsection 3, paragraph c,
32 subparagraph (1), unnumbered paragraph 1, Code 2018, is amended
33 to read as follows:

34 A city shall not adopt an ordinance, motion, resolution, or
35 amendment that sets standards or requirements regarding the

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1 sale or marketing of consumer merchandise that are different
2 from, or in addition to, any ~~requirement established by state~~
3 law. For purposes of this paragraph:

4 DIVISION ____

5 HEALTH CARE COVERAGE — SURVIVING SPOUSE AND CHILDREN

6 Sec. ____ . NEW SECTION. 509A.13C Health care coverage for
7 surviving spouse and children of fire fighters and peace officers
8 killed in the line of duty.

9 1. For the purposes of this section, "*eligible peace officer*
10 *or fire fighter*" means a peace officer as defined in section
11 801.4, or a fire fighter, to which a line of duty death benefit
12 is payable pursuant to section 97A.6, subsection 16, section
13 97B.52, subsection 2, or section 411.6, subsection 15.

14 2. a. If a governing body, a county board of supervisors,
15 or a city council has procured accident or health care coverage
16 for its employees under this chapter, such coverage shall
17 permit continuation of existing coverage or reenrollment in
18 previously existing coverage for the surviving spouse and each
19 surviving child of an eligible peace officer or fire fighter.

20 b. A governing body, a county board of supervisors, or
21 a city council shall also permit continuation of existing
22 coverage for the surviving spouse and each surviving child
23 of a peace officer as defined in section 801.4, or a fire
24 fighter who dies and to which a line of duty death benefit is
25 reasonably expected to be payable pursuant to section 97A.6,
26 subsection 16, section 97B.52, subsection 2, or section 411.6,
27 subsection 15, until such time as the determination of whether
28 to provide a line of duty death benefit is made.

29 3. A governing body, a county board of supervisors, or
30 a city council providing accident or health care coverage
31 under this section shall not be required to pay for the cost
32 of the coverage. However, a governing body, a county board
33 of supervisors, or a city council may pay the full cost or a
34 portion of the cost of the coverage. If the full cost of the
35 coverage is not paid, a surviving spouse and each surviving

1 child eligible for coverage under this section may elect to
2 continue accident or health care coverage by paying that
3 portion of the cost of the coverage not paid by the governing
4 body, county board of supervisors, or city council.

5 4. A governing body, a county board of supervisors, or a
6 city council shall notify the provider of accident or health
7 care coverage for its employees of a surviving spouse and
8 each surviving child to be provided coverage pursuant to the
9 requirements of this section.

10 5. This section shall not require continuation of coverage
11 if the surviving spouse or surviving child who would otherwise
12 be entitled to continuation of coverage under this section was,
13 through the surviving spouse's or surviving child's actions, a
14 substantial contributing factor to the death of the eligible
15 peace officer or fire fighter.

16 Sec. ____ . APPLICABILITY — HEALTH CARE COVERAGE FOR PRIOR
17 DEATHS. The surviving spouse and each surviving child of a
18 peace officer as defined in section 801.4, or a fire fighter
19 who died on or after January 1, 1985, but before July 1, 2000,
20 to which the requirements for providing a line of duty death
21 pursuant to section 97A.6, subsection 16, section 97B.52,
22 subsection 2, or section 411.6, subsection 15, would otherwise
23 have been established, and the surviving spouse and each
24 surviving child of an eligible peace officer or fire fighter
25 as defined in section 509A.13C, as enacted in this Act, may
26 be entitled to coverage as provided in section 509A.13C upon
27 written notification of the applicable governing body, county
28 board of supervisors, or city council. Coverage provided under
29 section 509A.13C pursuant to this section shall be for claims
30 for services incurred on or after the date of reenrollment.

31 Sec. ____ . EFFECTIVE DATE. This division of this Act, being
32 deemed of immediate importance, takes effect upon enactment.

33 Sec. ____ . RETROACTIVE APPLICABILITY. This division of this
34 Act applies retroactively to a death occurring on or after
35 January 1, 1985.

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DIVISION ____

SCHOLARSHIPS FOR SURVIVING CHILDREN OF CERTAIN PERSONS KILLED
IN THE LINE OF DUTY

Sec. ____ . Section 261.87, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Od.* "Eligible surviving-child student" means a qualified student who is under the age of twenty-six, or under the age of thirty if the student is a veteran who is eligible for benefits, or has exhausted the benefits, under the federal Post-9/11 Veterans Educational Assistance Act of 2008; who is not a convicted felon as defined in section 910.15; and who meets any of the following criteria:

(1) Is the child of a peace officer, as defined in section 97A.1, who was killed in the line of duty as determined by the board of trustees of the Iowa department of public safety peace officers' retirement, accident, and disability system in accordance with section 97A.6, subsection 16.

(2) Is the child of a police officer or a fire fighter, as each is defined in section 411.1, who was killed in the line of duty as determined by the statewide fire and police retirement system in accordance with section 411.6, subsection 15.

(3) Is the child of a sheriff or deputy sheriff as each is defined in section 97B.49C, who was killed in the line of duty as determined by the Iowa public employees' retirement system in accordance with section 97B.52, subsection 2.

(4) Is the child of a fire fighter or police officer included under section 97B.49B, who was killed in the line of duty as determined by the Iowa public employees' retirement system in accordance with section 97B.52, subsection 2.

Sec. ____ . Section 261.87, subsection 3, Code 2018, is amended to read as follows:

3. *Priority for scholarship awards.* Priority for scholarships under this section shall be given to eligible foster care students, then to eligible surviving-child students, who meet the eligibility criteria under subsection

1 2. Following distribution to students who meet the eligibility
2 criteria under subsection 2, the commission may establish
3 priority for awarding scholarships using any moneys that remain
4 in the all Iowa opportunity scholarship fund.

5 DIVISION ____
6 CREDIT UNIONS

7 Sec. ____ . Section 533.212, Code 2018, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 4. A credit union organized in accordance
10 with this chapter shall not include the name of any public
11 university located in the state in its name. For purposes of
12 this subsection, "*public university located in the state*" shall
13 mean the state university of Iowa, the Iowa state university of
14 science and technology, and the university of northern Iowa.

15 Sec. ____ . Section 533.329, subsection 2, paragraph b, Code
16 2018, is amended to read as follows:

17 ~~b. The amount collected in each taxing district within~~
18 ~~a city~~ The moneys and credits tax shall be collected by the
19 department of revenue and shall be apportioned twenty percent
20 to the county, thirty percent to the city general fund, and
21 fifty percent to the general fund of the state, and the amount
22 collected in each taxing district outside of cities shall be
23 apportioned fifty percent to the county and fifty percent to
24 the general fund of the state.

25 Sec. ____ . Section 533.329, subsection 2, paragraph c, Code
26 2018, is amended by striking the paragraph.

27 Sec. ____ . Section 533.329, Code 2018, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 3. The department of revenue shall
30 administer and enforce the provisions of this section.

31 Sec. ____ . EFFECTIVE DATE. The following takes effect April
32 30, 2019:

33 The section of this division of this Act amending section
34 533.212.

35 DIVISION ____

SF2419.5809 (2) 87

(amending this SF 2419 to CONFORM to HF 2502)

1 MILITARY INSTALLATION — SCHOOL ENROLLMENT

2 Sec. _____. Section 257.6, subsection 1, paragraph a, Code
3 2018, is amended by adding the following new subparagraph:

4 NEW SUBPARAGRAPH. (8) Pupils who are enrolled in public
5 schools within the district under section 282.1, subsection
6 3, in grades kindergarten through twelve and including
7 prekindergarten pupils enrolled in special education programs.

8 Sec. _____. Section 282.1, subsection 2, Code 2018, is amended
9 to read as follows:

10 2. For purposes of this section, “resident” means a child
11 who ~~is~~ meets either of the following requirements:

12 a. Is physically present in a district, whose residence has
13 not been established in another district by operation of law,
14 and who meets any of the following conditions:

15 ~~a.~~ (1) Is in the district for the purpose of making a home
16 and not solely for school purposes.

17 ~~b.~~ (2) Meets the definitional requirements of the term
18 “homeless individual” under 42 U.S.C. §11302(a) and (c).

19 ~~c.~~ (3) Lives in a juvenile detention center or residential
20 facility in the district.

21 b. Is domiciled with the child’s parent or guardian who is
22 on active duty in the military service of the United States and
23 is stationed at and resides or is domiciled within a federal
24 military installation located contiguous to a county in this
25 state.

26 Sec. _____. Section 282.1, Code 2018, is amended by adding the
27 following new subsections:

28 NEW SUBSECTION. 3. The parent or guardian of a child
29 who meets the requirements of subsection 2, paragraph “b”,
30 paragraph may enroll the child in a school district in a county
31 in this state that is located contiguous to the out-of-state
32 federal military installation. Notwithstanding section 285.1
33 relating to transportation of resident pupils, the parent or
34 guardian is responsible for transporting the child without
35 reimbursement to and from a point on a regular school bus route

1 of the district of enrollment.

2 NEW SUBSECTION. 4. Notwithstanding section 282.6, if a
3 parent or guardian enrolls a child in a school district in
4 accordance with subsection 3, the school district shall be free
5 of tuition for such child.

6 DIVISION ____

7 CRIMINALISTICS LABORATORY FUND

8 Sec. ____ . Section 691.9, Code 2018, is amended to read as
9 follows:

10 **691.9 Criminalistics laboratory fund.**

11 A criminalistics laboratory fund is created as a separate
12 fund in the state treasury under the control of the department
13 of public safety. The fund shall consist of appropriations
14 made to the fund and transfers of interest, and earnings. All
15 moneys in the fund are appropriated to the department of public
16 safety for use by the department in criminalistics laboratory
17 equipment and supply purchasing, maintenance, depreciation, and
18 training. Any balance in the fund on June 30 of any fiscal
19 year shall not revert to any other fund of the state but shall
20 remain available for the purposes described in this section.

21 DIVISION ____

22 IOWA ENERGY CENTER

23 Sec. ____ . Section 476.10A, subsection 1, paragraph c,
24 subparagraph (1), Code 2018, is amended to read as follows:

25 (1) ~~Eighty-five~~ Of eighty-five percent of the remittances
26 collected pursuant to this section ~~is,~~ the following shall
27 occur:

28 (a) For the fiscal year beginning July 1, 2018, such
29 remittances are appropriated to the Iowa energy center created
30 in section 15.120.

31 (b) For the fiscal year beginning July 1, 2019, the first
32 one million two hundred eighty-thousand dollars of such
33 remittances shall be transferred to the general fund of the
34 state, and the remaining amount is appropriated to the Iowa
35 energy center created in section 15.120.

1 property valued under section 427B.26 the construction of which
2 is approved by the Iowa utilities board on or after July 1,
3 2018.>

4 4. By renumbering, redesignating, and correcting internal
5 references as necessary.

MICHAEL BREITBACH